IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

**THE HONOURABLE MR. JUSTICE K.T.SANKARAN**

TUESDAY, THE 19TH DECEMBER 2006 / 28TH AGRAHAYANA 1928

**LA.App..No. 812 of 2006()**

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**LAR.145/1996 of II ADDL.SUB COURT,TRIVANDRUM**

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APPELLANT/RESPONDENT:

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STATE OF KERALA.

BY GOVERNMENT PLEADER SHRI L.G. SURESH BABU.

RESPONDENT/ CLAIMANT:

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CHANDRAMATHY JAYASREE,
PARAKUDY VEEDU, TC.NO.31/473,
MONNAMMANACKAL, KADAKAMPALLY VILLAGE,
THIRUVANANTHAPURAM.

BY

THIS LAND ACQUISITION APPEAL HAVING COME UP FOR ADMISSION ON 19/12/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

**K.T. SANKARAN, J.**

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**L.A.A. No. 812 OF 2006**

.....

**Dated this the 19th December, 2006**

**J U D G M E N T**

An extent of 4 Ares of land in Sy. No. 720/4 of Kadakampalli village was acquired for the purpose of doubling of railway line between Kollam-Thiruvananthapuram. Notification under section 4(1) of the Land Acquisition Act was issued on 16.03.1993. Award was passed on 05.01.1996. Land value was fixed by the Land Acquisition Officer at the rate of Rs. 29,001/- per Are. Possession of the land was taken on 09.01.1996.

2. The reference court relied on the judgment in L.A.R.No.392 of 1996, which was in respect of similarly situated land, acquired under the very same notification, and held that the claimant is entitled to get same land value as awarded in L.A.R.No. 392 of 1996. The land value fixed for the land per Are in L.A.R.No. 392 of 1996 was Rs. 37,461/- . Accordingly, enhancement was granted, calculated at the rate of Rs.37,461/- per Are.

3. Government Pleader was directed to verify whether any appeal was filed against the award and judgment in L.A.R.No. 392 of 1996. Learned Government Pleader, on verification, stated that no such appeal was filed.

4. In the light of the judgment in L.A.R.No. 392 of 1996, Land Acquisition Court was justified in awarding enhanced compensation at the rate of Rs.37,461/- per Are. It is not disputed that the land acquired and the land involved in L.A.R.No. 392 of 1996 are similarly situated. It is admitted that the lands involved in both cases were acquired as per the same Notification.

No grounds are made out for interference in appeal. Accordingly, Land Acquisition Appeal is dismissed.

**K.T. SANKARAN,**
**JUDGE.**

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